



Attorney's Docket No.: 01996-005001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James P. Koch
Serial No. : 09/400,817
Filed : September 22, 1999
Title : CUSTOM MOLDED CERVICAL CAP AND METHOD AND KIT FOR FORMING SAME

Art Unit : 3764
Examiner : Michael A. Brown

BOX AF
Commissioner for Patents
Washington, D.C. 20231

TECHNOLOGY CENTER R3700

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RESPONSE

In response to the action mailed June 18, 2002, and further to the Notice of Appeal filed by Applicant on October 18, 2002, please amend the application as follows:

In the claims:

Please cancel claims 51-56 without prejudice.

Please amend claim 17 as follows:

-- 17. A cervical cap comprising (a) a cap body that is constructed to cover the exocervix and prevent ingress of sperm and fluids and includes a cap dome that is custom-molded to substantially completely conform to the shape of the patient's cervix, (b) a rim member, dimensioned to fit a patient's exocervix, from which the cap body extends, and (c) a portion, associated with the cap body, that is impregnated or coated with a therapeutic agent and is constructed to release the therapeutic agent over a period of time during use of the cap. --

REMARKS

Claims 1-3, 5-6, 10-11, 44-46 and 58 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lipfert in view of Goepp '318. Claims 17, 20, 23-25 and 27 are rejected as

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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January 23, 2003
Julia Scherby
Julia Scherby